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THE LAW OF THE PUBLIC SCHOOL SYSTEM OF THE UNITED STATES. By HARVEY CORTLANDT VOORHEES. Boston: LITTLE, BROWN & Co. 1916. pp. lvii, 429.

It must have required no little courage to undertake the task of so coordinating the usages and statutes of our different States, applicable to public schools, as to justify their presentation under the title of this volume. The meagre common law principles relating to the education of children have been superseded by constitutional and statutory provisions. As the federal government has no authority "to prescribe, limit or regulate the common schools of the several states", each commonwealth has been free to develop the public school system according to its own fancies, with resulting divergences which seem quite bewildering. However, Mr. Voorhees has been able to reduce this apparent chaos to a considerable degree of order, and has produced a book which deserves the title of "The Law of the Public School System of the United States" and which should prove most serviceable to all persons charged with responsibility in administering that system anywhere.

While the common law recognized the duty of the parent to educate his child, such duty was one of imperfect obligation, for no remedy was vouchsafed the child in case of the parent's neglect. This defect of the common law was the subject of earnest consideration by the early colonists, and, at present, every "State except Georgia and Mississippi" provides for the compulsory education of its children. Neither the common law nor modern legislation tolerates the claim once put forward by an English nobleman that "a parent has the right to go to the devil in his own way with his children". On the other hand, the State has such an interest in its children as to warrant its intervention on their behalf, compelling "parents to perform the natural duty of education owed to their offspring."

The chapter on School Districts is full of interest. Many of the cases cited supply admirable studies in the history of our educational system. Others are of great practical value to persons injured by these quasi-corporations, as well as to the inhabitants and officers of districts.

It is noticeable that our author has difficulty in formulating the rule of liability of an unconstitutional officer. This is not surprising, for the judicial deliverances are at variance on this subject, and practical considerations have been allowed to interfere with the logical application of the doctrine that an unconstitutional law is a nullity. As a result, Mr. Voorhees cites Connecticut and Wisconsin courts as holding that one elected under an unconstitutional statute to a valid office, is an officer *de facto*, whose acts are valid; while he cites the United States Supreme Court for the view that one holding an office created by an unconstitutional statute is a mere usurper, whose acts have no validity.

Francis M. Burdick.

NEW YORK ESTATES AND SURROGATES. By FRANK HUBBARD TWYEFORT. Rochester: THE LAWYERS COOPERATIVE PUBLISHING COMPANY. 1916. pp. cxxiii, 1483.

The profession is much indebted to author and publishers for this new book. The law affecting the property rights which arise on the termination of a human life, and the procedure dictating the maintenance and preservation of those rights is necessarily peculiar to each state. The book under review deals with those rights from the stand-